## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:14 CV 51

MAXIMUM SOLUTIONS, LLC, and	)	
MAX STANLEY DOGGETT,	)	
	)	
Plaintiffs	)	
	)	<b>ORDER</b>
v	)	
	)	
CPI USA NORTH CAROLINA LLC,	)	
	)	
Defendant.	)	

THIS MATTER is before the undersigned pursuant to Plaintiffs' Motion to Withdraw or Amend Admissions or, in the Alternative to Deem Answers Timely Filed (#19). From an examination of the motion it does not appear that Plaintiffs' counsel has shown he has consulted with the Defendant's counsel regarding the motion.

## LCvR 7.1(B) reads as follows:

**(B)** Requirement of Consultation. Any motions other than for dismissal, summary judgment, or default judgment shall show that counsel have conferred or attempted to confer and have attempted in good faith to resolve areas of disagreement and set forth which issues remain unresolved. The requirement of consultation also applied to motions for extension of time and to motions for continuance of a trial or other proceeding. Consultation is not required where the moving party is represented and the non-moving party is unrepresented, or where the motion is for an extension of time to file a responsive

pleading to complaint, counterclaim, crossclaim, or any other initial petition for relief.

It also appears that Plaintiffs have attempted to file a brief but has enclosed

the brief within the motion. LCvR 7.1(C) states:

(C) Requirement of Briefs. Briefs shall be filed <u>contemporaneously</u> with the motion, except no brief is required in support of timely motions for extension of time, continuances, admission *pro hac vice*, or early discovery. Exhibits in support of a brief shall be attached as appendices as specified in the <u>Administrative Procedures</u>. Factual contentions shall be supported as specifically as possible by citation to exhibit number

and page.

hereby **DENIED** without prejudice.

As a result of Plaintiffs' failure to comply with LCvR 7.1(B) and LCvR

7.1(C), the undersigned will deny Plaintiffs' motion without prejudice and will allow

Plaintiffs to refile the motion along with a contemporaneously filed Brief if such is

necessary after Plaintiffs' consult with Defendant's counsel.

**ORDER** 

IT IS, THEREFORE, ORDERED that Plaintiffs' Motion to Withdraw or Amend Admissions or, in the Alternative, to Deem Answers Timely Filed (#19) is

Signed: April 10, 2015

Dennis L. Howell

United States Magistrate Judge